REMARKS

Reconsideration and allowance of the claims in the application are requested.

Claims 1-57 are in the case. Claims 1-2, 6, 8, 11-14, 16, 20-21, 25, 27, 30-33, 35, 39-40, 44, 46, 49-52, and 54 have been rejected under 35 USC 102(e) as anticipated by USP 6,493,744 to M. L. Emens et al., issued December 10, 2002, and filed August 16, 1999 (Emens).

Claims 15, 34, and 53 have been rejected under 35 USC 103(a) as unpatentable over Emens, of record.

Claims 3-4, 9-10, 17-19, 22-23, 28-29, 36-38, 41-42, 47-48, and 55-57 have been rejected under 35 USC 103(a) as unpatentable over Emens, of record, in view of USP 6,266,664 to A. P. Russell-Falla et al., issued July 24, 2001, and filed October 1, 1998 (Russell-Falla).

Claims 7, 26, and 45 have been rejected under 35 USC 103(a) as unpatentable over Emens, of record, in view of USP 6,421,733 to M.Tso et al. issued July 16, 2002, and filed September 8, 1997 (Tso).

Claims 5, 24, and 43 have been rejected under 35 USC 103(a) as unpatentable over Emens, of record, in view of Russell-Falla, of record, and in further view of Tso, of record.

The claims have been amended to clarify the invention with respect to the cited art. Claims 58 – 60 have been added to define the invention in further detail.

Before responding to the rejections, applicants would like to distinguish the cited references from the present invention (Kaply), as follows:

I. Emens discloses a computer implemented method for automatic reading of a raw data file for objectionable content, wherein the raw data file is a hypermedia file, a text file, an audio file or an image file. The raw data file is preprocessed to create semantic units representative of semantic content of the raw data file. A content rating repository comprises semantic entries and corresponding content ratings expressed as content rating vectors. Semantic units in the raw data file are compared to entries in the rating repository and semantic units are assigned content rating vectors. A modified data file is created incorporating the rating information derived from the content rating vectors. Text files contain words or phrases with corresponding content vectors. For audio files, the file is first converted to a text file using voice recognition software. For image files, image-processing software is used to recognize individual objects and compare them to basic images and ratings stored in the rating repository. In one embodiment, semantic units with content rating vectors exceeding a preset user limit values of objectionable content are blocked out by display blocks, or, for audio, audio blanking signals, an image file, the content rating vectors identifying objectionable discrete objects are replaced with image blocks to produce a modified image file. In one embodiment the raw data file is stored in a server and the computer-implemented method occurs in a client. In another embodiment, preset user limits are stored in a client and the method occurs in a server. Emens fails to disclose elements of Kaply, as follows:

A. Emens discloses a method for automatically rating dynamically created documents as they are being created. In contrast, Kaply discloses providing an application or process access to displayed data of another application. Emens fails to

disclose providing a requested process with data of an owning application displayed in an application window for then owning application.

B. Emens discloses a method for rating and filtering data files that can be implemented on a client, server, or proxy server. In contrast, Kaply discloses a display memory, which obtains displayable image data for an owning application window or displayable image data for other owning application windows for access by another application. Emens rating and filtering method fail to disclose an application accessing a display memory including displayable image data for an owning application window.

C. Emens discloses an automatic method for rating a raw data file for objectionable content by processing the data file to create semantic units. The semantic units are compared with a content rating repository. A modified data file is created, which replaces objectionable content corresponding to identified objectionable semantic units in the raw data file. In contrast, Kaply discloses a callback module for detecting a second application attempting to access displayed data of another application, the call back module calling an owning application to request a resolution to the attempted access. The owning application initiates a response module, provides a response to the second application according to several factors, including, the type of data involved; the application attempting to access the data; the presence or absence of data in the display memory. Emens rating method fails to disclose a callback module detecting attempted access to displayed data of an owning application and initiating activation of a response module to determine the availability of the displayed data to the second application.

2. Russell-Falla discloses web browser client software for screening access to web pages that contain potentially harmful or offensive content. In operation, a

downloaded web page is examined before the web page is displayed to the user. The examining step includes identifying and analyzing web pages natural language content relative to a predetermined database of words. The database includes a list of expressions previously associated with potentially offensive or harmful web pages. Relative weighting is assigned to each word in the list for use in forming the rating. The rating of the downloaded web page is compared to predetermined threshold ratings. If the rating indicates the downloaded web page is more likely to be offensive or harmful, the download web page is blocked from being displayed to the user. An alternative web page is displayed to the user. The alternative web page could be generated or selected responsive to a predetermined categorization of the user like the threshold rating. The alternative web page displayed preferably includes an indication of reasons that the downloaded web page was blocked. Russell-Falla fails to disclose elements of Kaply, as follows:

A. Russell-Falla discloses examining a downloaded web page before the page is displayed to the user. In contrast, Kaply discloses an owning application screening, a second application attempting to access displayed data of the owning application. Russell-Falla fails to disclose screening an application before providing access to displayed data of an owning application.

B. Russell-Falla discloses a web browser client program providing an alternative web page if a downloaded web page is blocked. The alternative web page can be a single, fixed page of content stored in the software. The alternative web page can explain why the downloaded web page has been blocked and provide links to direct the user to web pages having more appropriate content. (Column 6, lines 16-34) In contrast,

Kaply discloses an unauthorized application attempting to access displayed data is provided a modified version of the displayed data containing a pattern or a message, indicating where protected data would have been displayed or the protected displayed data may be augmented, by blurring or obscuring some or all of the protected data. Page 9, lines 5-15. Russell-Falla fails to disclose providing a modified page with protected information blocked out or blurred.

C. Russell-Falla discloses scoring a web page for a rating comparison with a threshold value to determine whether a web page is blocked or provided as an output to a browser. In contrast, Kaply discloses a callback module detecting access to displayed data of an owning application and passing the information, such as the identity of the requesting application, the desired format to the owning application. A response module is invoked to determine what action to take on the attempted access of the displayed information. Russell-Falla fails to disclose a callback module and response module controlling access of a requesting application access to the displayed data of an owning application.

3. Tso discloses a transcoding server connected between a client and the Internet for examining and manipulating data passing to the client whether it be a request intended for an external network device or network content being returned to the client and dynamically acting upon the data. The transcoder includes a parser, which manages the transcoding of data to be transmitted from the transcoding server to a network client. The parser controls transcoder service providers to selectively transcode content based on predetermined selection criteria. The transcoding server also includes a server side cache memory managed by a server side cache interface. The server side cache memory may

be used to store both original and transcoded versions of content for later transmission to network clients without the need to retrieve the content from the Internet or to retranscode the content. Once a data object is retrieved from the Internet, an appropriate version is transmitted to multiple network clients concurretly. The transcoder determines whether the data object includes content created with an unauthorized software product by scanning the data object for a predetermined code associated with an authorized software product. The data object is selectively transcoded according to predetermined selection criteria. The transcoded data object is provided to the network client. Tso fails to disclose elements of Kaply, as follows:

A. Tso discloses a transcoding server accessing the Internet for data not available in the server. In contrast, Kaply discloses providing a requesting application with data present in a display memory. For example, the data may be off screen, or it may not have been generated yet. In this case, the owning application, via a response module, returns the actual data requested, generating it, if necessary. The response module may generate different versions of the requested data depending upon the requesting application. Tso fails to disclose generating data within the server in response to a requesting application for access to displayed data of an owning application.

B. Tso discloses a transcoding server transcoding data in accordance with selection criteria of the client incorporated into the header portion of a data packet. In contrast, Kaply discloses a response module determining what action to take in response to a requesting application after examining the information provided by a callback module. Tso fails to disclose a callback module and response module

interacting to detect attempted access to displayed information by a requesting application and providing a response to the request by an owning application.

C. Tso discloses providing links to accompanying information showing proper use of trademark and logo information. In contrast, Kaply discloses a response module within a main memory for augmenting information displayed data in response to a requesting application. Tso fails to disclose a transcoding server augmenting information in a data object, where the augmented information is within the transcoding server.

Summarizing, Emens, Russell-Falla and Tso, alone or in combination, fail to disclose or suggest providing (a) a requesting application with access to displayed data of an owning application, the displayed data being stored in a display memory for display of a first process; (b) a callback module and a response module interacting to detect and limit access to the displayed data for a requesting application, and (c) the response generating data in the event the requested data is not displayed or modifying the displayed data to fill the requirements of the requesting application. Without a disclosure or suggestion in the cited references of the previously described element (a), (b), (c), there is no basis under 35 U.S.C. 102(e) or 103(a) for the rejection of claims 1-57. Withdrawal of the rejection of claims 1-57 and allowance thereof are requested.

Now turning to the rejections, applicants respond to the indicated paragraph of the Office Action, as follows:

REGARDING PARAGRAPHS 1 & 2:

Applicant herewith transmits English versions of German Patent DE4125389 C1 and Japanese Patent JP4-184571 and requests consideration of the references with respect to the claims in the application.

REGARDING PARAGRAPHS 3 & 4:

Applicant notes that the prior art date of the references is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

REGARDING PARAGRAPHS 5 & 6:

Claims 1, 20, and 39 include elements not disclosed in Emens, as follows:

(i) "...a method for providing access to displayed data..."

Emens discloses rating dynamically created documents as they are being created. Col. 2, lines 43-45. In contrast, Kaply discloses accessing displayed data of an owning application in an owning application window within a display memory. Emens fails to disclose providing access to existing displayed data stored in a display memory or generated from stored displayable image data in a display memory.

(ii) "...receiving a request for the displayed data of a first process, the request received from a second process;"

Emens discloses a user requesting access to information not displayed to the user and a computer system scanning data related to the request for objectionable content. In contrast, Kaply discloses an owning application having displayed data in an application window and a second application requesting access to the displayed data.

Emens fails to disclose the client viewing displayed information and requesting access to the information.

(iii) "...generating, at the first process, a resolution to the request for the displayed data received from the second process, the resolution based on data contained in the display image file contained in a display memory;"

Emens fails to disclose the client requesting displayed data where the displayed data is stored in a displayable image data that is part of a display memory.

(iv) "...transmitting the generated resolution for the displayed data based on the request from the first process to the second process."

Emens discloses screening out objectionable information from a web page prior to transmission to a client for display. In contrast, Kaply transmits displayed information of an owning application to a requesting application according to the needs of the requesting application.

Summarizing, Emens fails to disclose the elements of Claims 1, 29 and 39 for the reasons previously indicated. The rejections of Claims 1, 29 and 39 under 35 U.S.C. 102(e) fail for lack of support in Emens. Withdrawal of the rejection of Claims 1, 29 and 39 and allowance thereof are requested.

REGARDING PARAGRAPH 7:

Claims 2, 21, and 40 further limit Claims 1, 20 and 39 and are patentable on the same basis thereof.

REGARDING PARAGRAPH 8:

Claims 6, 25, and 44 include elements not disclosed in Emens, as follows:

(i) "The method of Claim 1, wherein the requested data of another process is data that is not being displayed and the received resolution comprises the requested data of the other process..."

Emens at Column 2, lines 43-45 discloses automatically rating dynamically created documents as they are being created. In contrast, Kaply discloses an application requesting data of another process that is not being displayed. Emens relates to examining data contained in a document, whereas, Kaply relates to examining data contained in another application. Emens fails to disclose an application requested displayed data of another application.

The rejection of claims 6, 25, and 44 under 35 USC 102 (e) fails for lack of disclosure in Emens. Withdrawal and allowance of claims 6, 25 and 44 are requested.

REGARDING PARAGRAPH 9:

Claims 8, 27, and 46 include elements not disclosed in Emens, as follows:

(i) "...the requesting steps comprise the steps of transmitting information relating to the request for displayed data to the first process and, wherein the received resolution is based on information relating to the request for the displayed data."

Emens at Column 3, lines 64-67 and Column 4, lines 23-26 removes objectionable content corresponding to identified objectionable semantic units via display blocks in a copy of the raw data file to produce a modified data file. Emens fails to disclose transmitting a request for display data and a resolution providing information

relating to the request for display data, where the request is based on several f actors. Page 8, line 21, continuing to Page 9, line 5. Emens fails to disclose requesting displayed data where the request is based on several factors.

The rejection of claims 8, 27, and 46 under 35 USC 102 (e) fails for lack of disclosure. Withdrawal and allowance of claims 8, 27 and 46 are requested.

REGARDING PARAGRAPH 10:

Claims 11-14, 30-33, and 49-52 include elements not disclosed in Emens, as follows:

(i) "received resolution comprises image data having different color depths ...different pixel resolution than the requested data ... image data that is not the requested data ."

Emens at Column 4, lines 14-16, discloses objectionable content is replaced by image blocks, which may be black rectangles or blurred regions. Applicants can find no disclosure in Emens relating to providing the requesting application with image data having a different color depth than the requested data. Likewise, applicants can find no disclosure in Emens relating to the resolution comprising image data having a different pixel resolution than the requested data or image data that is not the requested data, as described in the specification at page 4, lines 9 -13. Without a disclosure in Emens relating to image data having different color depth or pixel resolution, there is no support for the rejection of claims 11-14 under 35 U.S.C. 102(e). Claims 30 –33 and 49 –52 correspond to claims 11-14 in other claim formats. Withdrawal of the rejections and allowance of Claims 11 – 14, 30-33 and 49 - 52 are requested. In any case claims 11 – 14,

30-33 and 49-52 depend upon independent claims 1, 20 and 39, directly or indirectly, and are patentable on the same basis thereof

REGARDING PARAGRAPH 11:

Claims 16, 35 and 54 include elements not disclosed in Emens, as follows:

(i) "...transmitting a request for additional information relating to the request for displayed data from the first process to the second process;... receiving a reopens to the request for additional information from the second process..."

Emens at Column 3, lines 64-67 and Column 4, lines 23-26, discloses objectionable content corresponding to the identified objectionable semantic units being replaced by display blocks in a copy of the raw data file to produce a modified data file. Applicants can find no disclosure in Emens relating to transmitting a request for displayed data from a first process to a second process. Emens creates the file after processing for objectionable material, and thereafter transmits the file for display at the user's browser. Emens fails to disclose the first application having display data and providing a second application with the displayed data.

Without a disclosure in Emens relating to requesting additional information regarding displayed data, there is no support for the rejection of claims 16, 35, 44 under 35 USC 102 (e). Withdrawal of the rejection and allowance of claims 16, 35, and 54 are requested.

REGARDING PARAGRAPHS 12 & 13:

Claims 15, 34, and 53 include elements not disclosed in Emens as follows:

(i) "...the requested data comprises an image of text displayed in a first font and the received resolution comprises an image of the text displayed in a second font."

Emens discloses modifying the document before display by blurring the lines. There is no disclosure or support in Emens for changing the font of a displayed file to a second font in response to a request for displayed information. Without such a disclosure or teaching in Emens, there is no basis for a worker skilled in the art to implement Claims 15, 34 and 53. The rejection of Claims 15, 34, and 53 under 35 U.S.C. 103(a) is without support of any disclosure in Emens. Withdrawal of the rejection and allowance of claims 15, 34 and 53 are requested.

REGARDING PARAGRAPH 14:

A. Claims 3-4, 22-23, and 41-42 include elements not disclosed in Emens as follows:

(i) "...the modified version of the data comprises data substituted for at least a portion of the protected data or data augmenting the protected data."

Russell-Falla at Column 3, lines 21-30, discloses if the downloaded web page is blocked, the method calls for displaying an alternative web page to the user. The substitute web page can be a single, fixed page of contents stored in the software. Preferably two or more alternative web pages are available and an age-appropriate alternative web page is selected based on the user's id and threshold value. Column 6,

lines 22-26. Russell-Falla discloses substituting a completely different page than the requested page, whereas, Kaply discloses a modified version of the displayed data including data substituted for a portion of protected data, as described in the specification at page 3, lines 10 - 16.

Without a disclosure in Emens modified by Russell-Falla relating to substituting or augmenting requested data, there is no basis for a worker skilled in the art to implement claims 3-4, 22-23, and 41-42 and the rejection under 35 USC 103 9a0 fails for lack of support in the cited references. Withdrawal of the rejection and allowance of claims 3-4, 22-23, and 41-42 are requested.

B. Claims 9-10, 28-29, and 47-48 include elements not disclosed in Emens, in view of Russell Falla, as follows:

(i) "...the information relating to the request for data identifies a process requesting the data and a received resolution is based on the identified process."

Russell-Falla at Column 3, lines 10-19, discloses comparing a rating of the downloaded web page to a predetermined threshold rating. The rating indicates that the downloaded web page is more likely to be offensive causing the downloaded web page to be blocked from being displayed to the user. Kaply discloses a requesting application requesting data from an owning application and the owning application providing the requesting application with data based on the identification of the requesting application, as described in the specification at page 9, lines 3 –15. There is no blocking of the request in Kaply as there is in Russell-Falla.

Without a disclosure in Emens modified by Russell-Falla relating to a use of the requested information for an identified process, there is no basis for a worker skilled in the art to implement claims 9-10, 28-29, and 47-48 and the rejection under 35 USC 103 9a0 fails for lack of support in the cited references. Withdrawal of the rejection and allowance of claims 9-10, 28-29, and 47-48 are requested.

REGARDING PARAGRAPH 15:

A. Claims 17-19, 36-38, and 55-57 include elements not disclosed in Emens, in view of Russell-Falla as follows:

(i) "...the received response to the request for additional information comprises information identifying a process requesting the data."

Russell-Falla at Column 3, lines 10-19, discloses blocking objectionable material for display to a client request for a document. Kaply can find no disclosure in Russell-Falla requesting additional information from a requesting application, as described in the specification at page 13, lines 7 - 16.

Without a disclosure in Emens modified by Russell-Falla relating to requesting additional information from a requesting application, there is no basis for a worker skilled in the art to implement claims 17-19, 36-38, and 55-57 and the rejection under 35 USC 103 9a0 fails for lack of support in the cited references. Withdrawal of the rejection and allowance of claims 17-19, 36-38, and 55-57 are requested.

REGARDING PARAGRAPH 16:

A. Claims 7, 26 and 45 include elements not disclosed in Emens in view of Tso, as follows:

(i) "The method of claim 1, wherein the requested data does not exist and the received resolution comprises a generated version of the requested data."

Tso discloses, at Column 5, lines 62 continuing to Column 6, line 8, a server side cache interface including a standard Get/Set Interface for various calls from different functions. A Get Object call services non-enabled client requests and returns a non-transcoded (original) version of a specified hypertext object. Kaply can find no disclosure or suggestion in the cited text of the reference Tso, generating a version of the requested data when the requested data does not exist.

Without a disclosure in Emens modified by Tso relating to generating requested data when the requested data does not exist, there is no basis for a worker skilled in the art to implement claims 7, 26 and 45 and the rejection under 35 USC 103 9a0 fails for lack of support in the cited references. Withdrawal of the rejection and allowance of claims 7, 26 and 45 are requested.

REGARDING PARAGRAPH 17:

A. Claims 5, 24, and 43 include elements not disclosed in Emens in view of Russell-Falla, and in further view of Tso, as follows:

(i) "...wherein the data augmenting the protected data comprises a copyright notice."

Tso, at Column 8, lines 56-67, discloses a transcoding server configured to scan content for certain words or phrases to ensure that trademarks or logos are used correctly, or automatically inserting links to a corporate web site whenever a trademark is used in a web page. Kaply can find no disclosure in Emens and Tso regarding adding a copyright notice to protected data.

Without a disclosure in Emens modified by Tso relating to adding a copyright notice to protected data, there is no basis for a worker skilled in the art to implement claims 5, 24, and 43 and the rejection under 35 USC 103(a) fails for lack of support in the cited references. Withdrawal of the rejection and allowance of claims 5, 24, and 43 are requested.

REGARDING PARAGRAPH 18:

Applicant has reviewed USP 6,389,472 B1 to Hughes and articles by Paul Resnick entitled "PICS, Censorhip and Intellectual Freedom FAQ," and the "Australian Internet Parental Control FAQ" by S. J. Safdar et al., and concludes that the elements of Claims 1-57 are not disclosed in the references of record, but not relied upon.

PATENTABILITY SUPPORT FOR CLAIMS 58, 59 & 60:

Claim 58 describes Claim 1 in another aspect as shown in Figure 2B.

Claim 59 describes Claim 1 in still another aspect as shown in Figure 14.

Claim 60 is a combination of Claims 58 and 59.

Claims 58-60 describe call back module and response module functions implementing the process of Claim 1. The cited references, alone or in combination, fail to show or suggest a callback module or a response module interacting to enable an owning application to determine what data should be supplied to a requesting application when the requesting application attempts to access displayable data that is either not present or not authorized to be accessed.

CONCLUSIONS:

Having provided English versions of references submitted for foreign patents; amended the claims to further clarify them from the cited art, and supported the patentability of new Claims 58, 59 and 60, applicant requests entry of the amendment, allowance of Claims 1-60, and passage to issue of the application.

AUTHORIZATION:

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account No. 09-0447, Order No. 1963-7320 (AT9-99-140).

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: August 21, 2003

By: Joseph C. Redmond Jr.

Joseph C. Redmond, Jr.
Registration No. 18,753
(202) 857-7887 Telephone
(202) 857-7929 Facsimile

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053